

**REMARKS**

Claims 1-17 are all the claims pending in the present application. The Examiner maintains the same rejections set forth in the previous Office Action, and adds a few new arguments in the *Response to Arguments* section of the present Office Action. Specifically, claims 1-17 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ngo et al. (WO 00/04427) in view of Malkin et al. (EP 1 021 021).

With respect to independent claim 1, it was previously argued that Ngo does not disclose the feature, “the system transmits a notifying message to said at least one of the plurality of service recipient devices prior to providing the service, to confirm whether said at least one of the plurality of service recipient devices can receive the service or not,” as recited in claim 1. Specifically, it was argued that the PING message, as set forth in Malkin, does not correspond to the claimed notifying message. In response, the Examiner alleges:

....the Office respectfully disagrees with Applicant’s assertion that PING only checks the connection to the network. Malkin discloses that it checks the status of the client. Furthermore, it checks to determine if there is a path to the connected client. PING inherently discloses that a device can receive a service since the PING packet must be received by the client, processed, formatted, request information pertaining to the status of the client, and transmit a packet stating that this information packet was received by the client. This does much more than just merely checking the connection of a device, it checks whether the target client has reached a desired status. Furthermore, Malkin discloses that the proxy server 1040 queues up push requests after being notified by the awareness server that the client device is able to receive the transmission (col. 7, ¶ 30). To one of ordinary skill in the art, this is understood to mean that the server determines whether the device can receive the service or not. By this rationale the rejection is maintained.

In response, Applicant maintains that the PING signal does not inherently disclose that a device can receive a service or not. That is, the Merriam Webster online Dictionary defines PING as a “knock,” for example. As an analogy, a “knock” can identify whether a particular person is at a particular location (e.g., a home). The knock, however, does not inherently confirm whether the person in the home is willing to or even can receive a particular service being offered by the person knocking. Furthermore, [www.wikipedia.org](http://www.wikipedia.org) defines PING as providing a basic test of whether a particular host is operating properly and is reachable on the network from the testing host (i.e., there is no confirmation of the ability to receive a service). Therefore, at least based on the above-given definitions and the analogy above, Applicant submits that the PING message described in Malkin does not confirm whether said at least one of the plurality of service recipient devices can receive the service or not. Therefore, at least based on the foregoing, Applicant submits that independent claim 1 is patentably distinguishable over the applied references.

If the Examiner maintains that the PING message inherently performs the claimed operations of the notifying message, Applicant respectfully requests that the Examiner apply additional references to support his assertion in this regard.

Applicant submits that independent claims 5, 9, 13, and 17 are patentable for reasons similar to those set forth above with respect to claim 1.

Applicant submits that dependent claims 2-4, 6-8, 10-12, and 14-16 are patentable at least by virtue of their respective dependencies from independent claims 1, 5, 9, and 13, respectively.

Further, with respect to dependent claim 3, in the previous Amendment, it was argued that the applied references, either alone or in combination, do not teach or suggest at least,

“wherein the additional identifying information includes information about at least one of a user name, a vendor, and a model name,” as recited in amended claim 3. The Examiner does not respond to this particular argument in the present Office Action. Since the Examiner does respond to the other arguments set forth in the previous Amendment, it is our belief that the Examiner has not developed an argument in response to the above stated argument with respect to claim 3. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claim 3.

Applicant submits that claims 7, 11 and 15 are patentable at least for reasons similar to those set forth above with respect to claim 3.

Further, with respect to claim 4, Applicant amends this claim, as indicated herein, for clarification purposes, and Applicant submits that the applied references do not teach or suggest at least, “wherein the service is a push service that provides a certain service to said at least one of the plurality of service recipient devices repeatedly in a predetermined period of time,” as recited in claim 4.<sup>1</sup> In the *Response to Arguments* section, the Examiner alleges:

Since it takes more time to transmit more data, and since this data is already stored by the proxy push server, it is already known how much time is required to send the data, thereby providing a predetermined period for which to provide service. By this rationale, the rejection is maintained.

In response, Applicant submits that even if, *arguendo*, it may take more time to transmit more data and an amount of data stored by a proxy push server is known, it does not necessarily

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<sup>1</sup> Applicant submits that this amendment should be entered, as the Examiner indicated on page 7 of the present Office Action that the previously recited “predetermined period” is taken to mean a predetermined period of time. Therefore, no further search and/or consideration should be required.

follow that such data is going to be transmitted repeatedly in a predetermined period of time.

The applied references do not teach or suggest that such would be the case. The Examiner appears to have developed this rationale only after utilizing impermissible hindsight reasoning, in view of the present invention. Therefore, at least based on the foregoing, Applicant respectfully requests that the Examiner withdraw the rejection of dependent claim 4.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

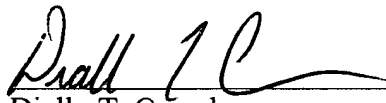
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**23373**

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